

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

CHARLES KYLES, Register No. 182687,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4248-CV-C-SOW
)	
ALFRED GARCIA, et al.,)	
)	
Defendants.)	

ORDER

On September 30, 2005, the United States Magistrate Judge recommended that plaintiff's claims against the Missouri Department of Corrections, Correctional Medical Services, D. Dormire, A. Wood, B. Goeke, G. Lombardi, B. Galloway, R. Kaier, and Officers Friesen and Colbert; and claims regarding unsafe food and being denied a food tray be dismissed for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915; and that plaintiff's motions for declaratory judgment and preliminary injunctive relief be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the September 30, 2005, report and recommendation is adopted [10]. It is further

ORDERED that plaintiff's claims against the Missouri Department of Corrections, Correctional Medical Services, D. Dormire, A. Wood, B. Goeke, G. Lombardi, B. Galloway, R. Kaier, and Officers Friesen and Colbert and claims regarding unsafe food and being denied a food tray be dismissed, pursuant to 28 U.S.C. § 1915A, for failure to state a claim on which relief may be granted. It is further

ORDERED that plaintiff's motions for declaratory judgment and preliminary injunctive relief be denied [4, 8].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 2-14-06